

## Certification of Documents

CHANNEL CONTROL MERCHANTS, LLC

Plaintiffs (s)

VS

CAUSE NO. CI14-0099

ET ENTERPRISES, LLC  
AND JOHN DOE 1-10

Defendants

I, LOU ELLEN ADAMS, CERK OF THE CIRCUIT COURT OF FORREST COUNTY MISSISSIPPI, HEREBY CERTIFY THAT THE FOLLOWING PAPERS ARE ALL COPIES OF THE ORIGINAL DOCUMENTS FILED IN THE ABOVE STYLED CAUSE.

GIVEN UNDER MY HAND AND SEAL THIS THE 20TH DAY OF JUNE, 2014.

LOU ELLEN ADAMS, CIRCUIT CLERK  
FORREST COUNTY, MISSISSIPPI

BY: Faye James D.C.  
FAYE JAMES DC

CERTIFIED A TRUE COPY  
Forrest County, Mississippi  
Lou Ellen Adams, Circuit Clerk  
This the 20<sup>th</sup> day of June, 19 2014  
By: Faye James D.C.

FILED

JUN 04 2014

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FORREST COUNTY CIRCUIT CLERK  
PLAINTIFF

CHANNEL CONTROL MERCHANTS, LLC

V.

CIVIL ACTION NO.

CT14-0099 ✓

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

NOTICE TO THE DEFENDANT

THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Seth M. Hunter, attorney for the Plaintiff, whose post address is Post Office Box 2055, Hattiesburg, Mississippi 39403 and street address is 226 West Pine Street, Hattiesburg, Mississippi 39401. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

Dea Eileen Adams  
DEPUTY CLERK  
Gary James B.C.

ATTORNEY FOR PLAINTIFF:

James K. Dukes (MSB# 6216)  
Duke Dukes & Wood  
Post Office Box 2055  
Hattiesburg, Mississippi 39403  
Telephone: (601) 544-4121  
Facsimile: (601) 544-4425  
E-Mail: [jdukes@jdukeslaw.com](mailto:jdukes@jdukeslaw.com)

Seth M. Hunter (MSB# 101145)  
Attorney and Counselor at Law, PLLC  
Post Office Box 1111  
Hattiesburg, Mississippi 39403  
Telephone: (601) 450-8080  
Facsimile: 1 (888) 761-5281  
E-Mail: [sethmhunter@gmail.com](mailto:sethmhunter@gmail.com)

PLAINTIFF

V.

CIVIL ACTION NO. CJ14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

**DEFENDANT**

## PROOF OF SERVICE--SUMMONS

**Name of Person or Entity Served:**

ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

           **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, where I found said person(s)  
in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_

**RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, (state). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

**CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused.")

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

**PLAINTIFF**

CIVIL ACTION NO.: CI-14-0099

**DEFENDANTS**

## **PROOF OF SERVICE--SUMMONS**

**ET ENTERPRISES DISTRIBUTORS, LLC**  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

— FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

\_\_\_\_ PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_ on the \_\_\_\_ day of May, 2014,  
at \_\_\_\_\_, where I found said person(s) in \_\_\_\_\_ County of the State of Mississippi, at \_\_\_\_\_.

\_\_ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, Mississippi. I served the summons and complaint on the \_\_ day of May, 2014, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of May, 2014, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

**✓ CERTIFIED MAIL SERVICE:** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person and/or entity served. (Attach signed return receipt or the return envelope marked "Refused.")

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name: Shanda Sanders  
Address: 226 West Pine Street  
Hattiesburg, MS 39403  
Phone No.: (601) 544-4121

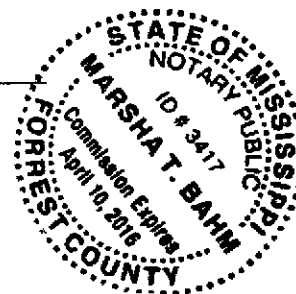
STATE OF MISSISSIPPI  
COUNTY OF Forrest

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named SHANDA SANDERS who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Shanda Sanders  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the 4<sup>th</sup> day of June, 2014.

[Signature]  
NOTARY PUBLIC



## ORDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Enterprises Distributors,  
LLC  
Mr. Eddie Tawil  
40 9th Avenue  
New York, New York  
10001

## COMPLETE THIS SECTION ON DELIVERY

A. Signature X S. Noel		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? If YES, enter delivery address below:		<input type="checkbox"/> Yes <input type="checkbox"/> No
5/30/14		
3. Service Type		
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise	
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee)		<input type="checkbox"/> Yes

Article Number  
(Transfer from service label)

7010 3090 0002 1132 5831

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



FILED

JUN 04 2014

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FORREST COUNTY CIRCUIT CLERK  
PLAINTIFF

CHANNEL CONTROL MERCHANTS, LLC

V.

CIVIL ACTION NO. CI14-0009

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

**SUMMONS**

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

**NOTICE TO THE DEFENDANT**

THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Seth M. Hunter, attorney for the Plaintiff, whose post address is Post Office Box 2055, Hattiesburg, Mississippi 39403 and street address is 226 West Pine Street, Hattiesburg, Mississippi 39401. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

Joe E. Adams  
DEPUTY CLERK  
Jeff James D.C.

**ATTORNEY FOR PLAINTIFF:**

James K. Dukes (MSB# 6216)  
Duke Dukes & Wood  
Post Office Box 2055  
Hattiesburg, Mississippi 39403  
Telephone: (601) 544-4121  
Facsimile: (601) 544-4425  
E-Mail: [jdukes@jdukeslaw.com](mailto:jdukes@jdukeslaw.com)

Seth M. Hunter (MSB# 101145)  
Attorney and Counselor at Law, PLLC  
Post Office Box 1111  
Hattiesburg, Mississippi 39403  
Telephone: (601) 450-8080  
Facsimile: 1 (888) 761-5281  
E-Mail: [sethmhunter@gmail.com](mailto:sethmhunter@gmail.com)

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

**CHANNEL CONTROL MERCHANTS, LLC**

PLAINTIFF

V.

CIVIL ACTION NO. CI 4-00901

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

**DEFENDANT**

## PROOF OF SERVICE--SUMMONS

**Name of Person or Entity Served:**

**ET ENTERPRISES, LLC**  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

           **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, where I found said person(s)  
in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_

**RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, (state). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

**CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused.")

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

**V.**

CIVIL ACTION NO.: CI-14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

**DEFENDANTS**

## PROOF OF SERVICE—SUMMONS

**Name of Person or Entity Served:**

ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

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\_\_\_\_ PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_ on the \_\_\_\_ day of May, 2014,  
at \_\_\_\_\_, where I found said person(s) in \_\_\_\_\_ County of the State of Mississippi, at \_\_\_\_\_.

RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, Mississippi. I served the summons and complaint on the \_\_\_\_\_ day of May, 2014, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of May, 2014, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

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At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

**Process server must list below:**

Name: Shanda Sanders

Address: 226 West Pine Street

Hattiesburg, MS 39403

Phone No.: (601) 544-4121

STATE OF MISSISSIPPI  
COUNTY OF Forrest

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named SHANDA SANDERS who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the 4<sup>th</sup> day of June, 2014.

  
NOTARY PUBLIC

## DER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

F ENTERPRISES, LLC  
Eddie Tawil  
40 9TH AVENUE  
New York, New York  
10001

A. Signature

X S. Noel

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

5/30/14

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number

(Transfer from service label)

7010 3090 0002 1132 5824

102595-02-1A-1540

S Form 3811, February 2004

Domestic Return Receipt

FILED

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

JUN 04 2014

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF  
FORREST COUNTY CIRCUIT CLERK

V.

CIVIL ACTION NO. CT14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
450 West 33rd Street #900  
New York, New York 10001

NOTICE TO THE DEFENDANT

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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

Law Elmer Adams  
DEPUTY CLERK  
Jeff James D.C.



ATTORNEYS FOR PLAINTIFF:

James K. Dukes (MSB# 6216)  
Duke Dukes & Wood  
Post Office Box 2055  
Hattiesburg, Mississippi 39403  
Telephone: (601) 544-4121  
Facsimile: (601) 544-4425  
E-Mail: [jdukes@jdukeslaw.com](mailto:jdukes@jdukeslaw.com)

Seth M. Hunter (MSB# 101145)  
Attorney and Counselor at Law, PLLC  
Post Office Box 1111  
Hattiesburg, Mississippi 39403  
Telephone: (601) 450-8080  
Facsimile: 1 (888) 761-5281  
E-Mail: [sethmhunter@gmail.com](mailto:sethmhunter@gmail.com)

V.

CIVIL ACTION NO. CF 14-0099

**DEFENDANT**

## PROOF OF SERVICE--SUMMONS

**ET ENTERPRISES, LLC**  
c/o Mr. Eddie Tawil  
450 West 33rd Street #900  
New York, New York 10001

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PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, where I found said person(s)  
in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_

**RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, (state). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

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At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF MISSISSIPPI  
COUNTY OF Forrest

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named SHANDA SANDERS who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Shanda Sanders  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the 4<sup>th</sup> day of June, 2014.

Marsha T. Bahm  
NOTARY PUBLIC



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ET ENTERPRISES, LLC  
 40 Eddie Tawil  
 450 W. 33<sup>rd</sup> Street  
 New York, New York  
 10001

A. Signature

x S. Noel

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

5/30/14

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7010 3090 0002 1132 5817

102585-02-M-1540

Domestic Return Receipt

PS Form 3811, February 2004

THE LAW OFFICE OF  
**DUKES, DUKES & WOOD**  
226 WEST PINE STREET - P. O. BOX 2055  
HATTIESBURG, MISSISSIPPI 39403-2055

JAMES K. DUKES  
JDukes@JDukesLaw.com

JAMES K. DUKES, JR.  
JDukesJr@JDukesLaw.com

R. CHRISTOPHER WOOD  
CWood@JDukesLaw.com

TERRY MARTIN  
LEGAL ASSISTANT

TELEPHONE  
601-544-4121  
FAX  
601-544-4425

June 4, 2014

Mrs. Lou Ellen Adams  
Forrest County Circuit Court Clerk  
Post Office Drawer 992  
Hattiesburg, MS 39403

Re: Channel Control Merchants, LLC v. ET Enterprises, LLC, ET Enterprises  
Distributors, LLC and John Does 1-10; Our File: 6817.01

Dear Mrs. Adams:

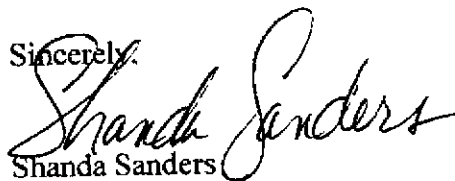
Enclosed for filing in the above referenced matter, please find the following:

1. Original Summons with executed Proof of Service to ET Enterprises, LLC, at 440 9<sup>th</sup> Avenue, New York, New York;
2. Original Summons with executed Proof of Service to ET Enterprises, LLC, at 450 West 33<sup>rd</sup> Street, #900, New York, New York and;
3. Original Summons with executed Proof of Service to ET Enterprises Distributors, LLC, at 440 9<sup>th</sup> Avenue, New York, New York.

I enclose copies of each Proof of Service which I kindly request you stamp "filed" and return to my courier.

Should you have questions or need additional information, please feel free to contact me. As always, your professional courtesies are appreciated.

Sincerely,



Shanda Sanders  
Paralegal to James K. Dukes

Enclosures

FILED

MAY 23 2014

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

FORREST COUNTY CIRCUIT CLERK  
PLAINTIFF

CHANNEL CONTROL MERCHANTS, LLC

V.

CIVIL ACTION NO. CT14-0099ET ENTERPRISES, LLC,  
ET ENTERPRISES DISTRIBUTORS, LLC,  
AND JOHN DOES 1-10

DEFENDANTS

**COMPLAINT FOR DECLARATORY JUDGMENT****REQUEST FOR SPEEDY HEARING**

COMES NOW, Plaintiff, Channel Control Merchants, LLC, and files this, its Complaint for Declaratory Judgment against Defendants ET Enterprises, LLC, ET Enterprises Distributors, LLC, and John Does 1-10, and in support thereof, and requesting a speedy hearing, states as follows:

**PARTIES**

1. Plaintiff Channel Control Merchants, LLC (hereinafter "CCM") is a Mississippi limited liability company licensed to conduct business, and conducting business, in the State of Mississippi, and with its principal office address located in Forrest County, Mississippi.

2. Defendant ET Enterprises, LLC (hereinafter individually "ET Enterprises" and collectively with Defendant ET Enterprises Distributors, LLC as "ET") is a New York limited liability company that conducts business in the State of Mississippi and maintains minimum contacts with the State of Mississippi. ET Enterprises may be served with process of this Court upon its principal, Mr. Eddie Tawil at 440 9th Avenue, New York, New York 10001, 450 West 33rd Street #900, New York, New York 10001, or 500 5th Avenue 54th Floor, New York, New York 10110.

3. Defendant ET Enterprises Distributors, LLC (hereinafter individually "ET Distributors" and collectively with Defendant ET Enterprises, LLC as "ET") is a New York

limited liability company that conducts business in the State of Mississippi and maintains minimum contacts with the State of Mississippi. ET Distributors may be served with process of this Court upon its principal, Mr. Eddie Tawil at 440 9th Avenue, New York, New York 10001, 450 West 33rd Street #900, New York, New York 10001, or 500 5th Avenue 54th Floor, New York, New York 10110.

4. Defendants ET Enterprises and ET Distributors have represented themselves interchangeably in documents leading up to this litigation. Therefore, out of an abundance of caution, CCM has made both parties to this lawsuit.

5. John Does 1-10 are persons and/or entities who committed acts and/or omissions and/or may have an interest in this action and/or the subject contract. Their identities are not yet known, but when they do become known, they will be properly substituted herein.

#### JURISDICTION AND VENUE

6. Personal jurisdiction is proper in this matter as it involves chattels, the value of which exceed the jurisdictional minimum of this Court, that are located in the State of Mississippi. Further, personal jurisdiction is proper under Miss Code Ann. § 13-3-57, as this action involves a contract that was entered into in the State of Mississippi, and which was to be performed in this State, and the parties conduct business in, and maintain minimum contacts with, the State of Mississippi. Subject matter jurisdiction is proper in this matter, as it involves an action in contract and regarding chattels located in the State of Mississippi. Venue is proper, as a substantial portion of the events giving rise to this lawsuit have occurred in Forrest County, Mississippi, and the subject contract was entered into in Forrest County, Mississippi.

#### FACTS

7. On or about January 21, 2014, CCM and ET entered into an agreement in Mississippi whereby CCM would sell to ET certain Neiman Marcus goods procured from Target



Corporation (hereinafter "Target"), and ET would pay to CCM the amount of \$720,000.00. *See* Exhibit "A," Purchase Order Form.

8. The terms of the agreement indicated that ET would pay to CCM 10% (\$72,000.00) of the contract amount upon entering into the contract, 80% (\$576,000.00) after satisfactory inspection of the goods, and 10% (\$72,000.00) after the shipment of the last goods.

9. A condition precedent of the sale of goods from CCM to ET was that Target approve of the sale. Target approved of the sale.

10. In February, ET, by and through its agents and employees, traveled to Blue Mountain, Tippah County, Mississippi to inspect the goods.

11. To date, ET has tendered 90% (\$648,000.00) of the agreed contract amount to CCM. CCM has delivered a portion of the goods to ET, however, much of the goods remain in CCM's warehouse in Blue Mountain, Tippah County, Mississippi.

12. On or about April 9, 2014, Target informed CCM that it no longer wished it to sell the goods, and informed CCM that it would like the goods destroyed. CCM immediately notified ET of the revocation of permission to sell the goods.

13. ET, however, has demanded that CCM continue shipping the goods and particularly goods that ET had marketed to a third party in Spain, and has threatened litigation in order to enforce its rights under the contract, and seek damages from CCM. At this juncture, CCM is caught between the demands of its supplier and the rights of its customer, and is now seeking recourse before the Court.

CAUSES OF ACTION

DECLARATORY JUDGMENT

14. Pursuant to Miss. R. Civ. P. 57, CCM requests herein a declaratory judgment to determine the rights of the parties as they relate to the subject contract, future performance thereunder, and particularly:

- a. Whether or not CCM is excused, in whole or in part, from shipping any additional goods, and relieved of its contractual obligations, due to revocation of condition precedent;
- b. Whether or not CCM is excused, in whole or in part, from shipping any additional goods, and relieved of its contractual obligations, due to impossibility to continue contractual obligations;
- c. Whether or not CCM is excused, in whole or in part, from shipping any additional goods, and relieved of its contractual obligations, due to frustration of purpose of the contract;
- d. Whether or not CCM is excused, in whole or in part, from shipping any additional goods, and relieved of its contractual obligations, by failure of presupposed conditions, pursuant to Miss. Code Ann. § 75-2-615;
- e. Whether or not CCM is excused, in whole or in part, from shipping any additional goods, and relieved of its contractual obligations, due to acts of God, pursuant to Miss. Code Ann. § 75-2-617;
- f. Whether under any other common law or code section CCM is excused, in whole or in part, from shipping any additional goods, and relieved of its contractual obligations; and

g. If CCM is not totally excused from shipping additional goods and completely relieved of its contractual obligations, to what extent does it owe an obligation to ET to continue shipment of goods.

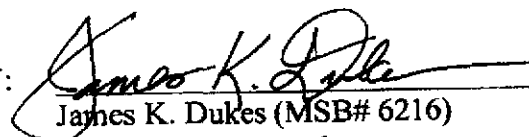
15. Furthermore, CCM requests the Court order a speedy hearing in this matter, pursuant to Miss. R. Civ. P. 57(a).

WHEREFORE, PREMISES CONSIDERED, Plaintiff CCM respectfully requests the Court hear this matter speedily, and make a determination, as requested hereinabove, as to the rights of CCM and ET with regard to the subject contract, and render a judgment herein as to those areas requested above, as well award as any and all general relief to which the Court deems CCM is entitled.

RESPECTFULLY SUBMITTED, this the 23<sup>rd</sup> day of MAY, 2014.

CHANNEL CONTROL  
MERCHANTS, LLC,  
PLAINTIFF

BY:

  
James K. Dukes (MSB# 6216)  
Duke Dukes & Wood  
Post Office Box 2055  
Hattiesburg, Mississippi 39403  
Telephone: (601) 544-4121  
Facsimile: (601) 544-4425  
E-Mail: jdukes@jdukeslaw.com

Seth M. Hunter (MSB# 101145)  
Attorney and Counselor at Law, PLLC  
Post Office Box 1111  
Hattiesburg, Mississippi 39403  
Telephone: (601) 450-8080  
Facsimile: 1 (888) 761-5281  
E-Mail: sethnhunter@gmail.com

ATTORNEYS FOR THE PLAINTIFF

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. CI14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
500 5th Avenue 54th Floor  
New York, New York 10110

NOTICE TO THE DEFENDANT

THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Seth M. Hunter, attorney for the Plaintiff, whose post address is Post Office Box 2055, Hattiesburg, Mississippi 39403 and street address is 226 West Pine Street, Hattiesburg, Mississippi 39401. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY: Sho Eun Adams  
DEPUTY CLERK  
Sup James D.C.

**PLAINTIFF**

CIVIL ACTION NO. CT14-0099

**DEFENDANT**

## **PROOF OF SERVICE--SUMMONS**

**ET ENTERPRISES, LLC**  
c/o Mr. Eddie Tawil  
500 5th Avenue 54th Floor  
New York, New York 10110

           **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.** By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, where I found said person(s)  
in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_

**RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, (state). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

**CERTIFIED MAIL SERVICE.** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused.")

3

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. CJ14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

**SUMMONS**

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

NOTICE TO THE DEFENDANT

THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Seth M. Hunter, attorney for the Plaintiff, whose post address is Post Office Box 2055, Hattiesburg, Mississippi 39403 and street address is 226 West Pine Street, Hattiesburg, Mississippi 39401. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

Lawrence Adams  
DEPUTY CLERK  
Jeff Jones D.C.

ATTORNEY FOR PLAINTIFF:

James K. Dukes (MSB# 6216)  
Duke Dukes & Wood  
Post Office Box 2055  
Hattiesburg, Mississippi 39403  
Telephone: (601) 544-4121  
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E-Mail: [sethmhunter@gmail.com](mailto:sethmhunter@gmail.com)



IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. \_\_\_\_\_

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

**PROOF OF SERVICE--SUMMONS**

Name of Person or Entity Served:

ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

\_\_\_\_\_  
FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

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on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, where I found said person(s)  
in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
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\_\_\_\_\_  
CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused.")

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. C14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
450 West 33rd Street #900  
New York, New York 10001

NOTICE TO THE DEFENDANT

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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

Obi E. Adams  
DEPUTY CLERK  
Gay Jones D.C.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. \_\_\_\_\_

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

**PROOF OF SERVICE--SUMMONS**

Name of Person or Entity Served:

ET ENTERPRISES, LLC  
c/o Mr. Eddie Tawil  
450 West 33rd Street #900  
New York, New York 10001

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At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

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PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. CI14-00919

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
450 West 33rd Street #900  
New York, New York 10001

NOTICE TO THE DEFENDANT

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Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

Donna Adams  
DEPUTY CLERK

Gay Jones, D.C.

**ATTORNEYS FOR PLAINTIFF:**

James K. Dukes (MSB# 6216)  
Duke Dukes & Wood  
Post Office Box 2055  
Hattiesburg, Mississippi 39403  
Telephone: (601) 544-4121  
Facsimile: (601) 544-4425  
E-Mail: [jdukes@jdukeslaw.com](mailto:jdukes@jdukeslaw.com)

Seth M. Hunter (MSB# 101145)  
Attorney and Counselor at Law, PLLC  
Post Office Box 1111  
Hattiesburg, Mississippi 39403  
Telephone: (601) 450-8080  
Facsimile: 1 (888) 761-5281  
E-Mail: [sethmhunter@gmail.com](mailto:sethmhunter@gmail.com)

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. \_\_\_\_\_

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

**PROOF OF SERVICE--SUMMONS**

Name of Person or Entity Served:

ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
450 West 33rd Street #900  
New York, New York 10001

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in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_**RESIDENCE SERVICE.** After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, (state). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

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At the time of service I was at least 18 years of age and not a party to this action.



Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. CI14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

NOTICE TO THE DEFENDANT

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Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

David E. Adams  
DEPUTY CLERK  
James D.C.

ATTORNEY FOR PLAINTIFF:

James K. Dukes (MSB# 6216)  
Duke Dukes & Wood  
Post Office Box 2055  
Hattiesburg, Mississippi 39403  
Telephone: (601) 544-4121  
Facsimile: (601) 544-4425  
E-Mail: [jdukes@jdukeslaw.com](mailto:jdukes@jdukeslaw.com)

Seth M. Hunter (MSB# 101145)  
Attorney and Counselor at Law, PLLC  
Post Office Box 1111  
Hattiesburg, Mississippi 39403  
Telephone: (601) 450-8080  
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E-Mail: [sethmhunter@gmail.com](mailto:sethmhunter@gmail.com)

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. \_\_\_\_\_

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

**PROOF OF SERVICE--SUMMONS**

Name of Person or Entity Served:

ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
440 9th Avenue  
New York, New York 10001

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\_\_\_\_\_  
PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, where I found said person(s)  
in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, (state). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

\_\_\_\_\_  
CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused.")

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. CF14-0099

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI  
COUNTY OF FORREST

TO: ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
500 5th Avenue 54th Floor  
New York, New York 10110

NOTICE TO THE DEFENDANT

THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Seth M. Hunter, attorney for the Plaintiff, whose post address is Post Office Box 2055, Hattiesburg, Mississippi 39403 and street address is 226 West Pine Street, Hattiesburg, Mississippi 39401. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 23 day of May, 2014.

CIRCUIT CLERK,  
FORREST COUNTY, MISSISSIPPI

BY:

Donna E. Adams  
DEPUTY CLERK  
Yusef James O.C.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHANNEL CONTROL MERCHANTS, LLC

PLAINTIFF

V.

CIVIL ACTION NO. \_\_\_\_\_

ET ENTERPRISES, LLC  
AND JOHN DOES 1-10

DEFENDANT

**PROOF OF SERVICE--SUMMONS**

Name of Person or Entity Served:

ET ENTERPRISES DISTRIBUTORS, LLC  
c/o Mr. Eddie Tawil  
500 5th Avenue 54th Floor  
New York, New York 10110

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

\_\_\_\_\_  
FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

\_\_\_\_\_  
PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, where I found said person(s)  
in \_\_\_\_\_ County of the State of \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_ county, (state). I served the summons and complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

\_\_\_\_\_  
CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused.")

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \_\_\_\_\_

Process server must list below:

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF \_\_\_\_\_

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC



THE LAW OFFICE OF  
**DUKES, DUKES & WOOD**  
226 WEST PINE STREET - P. O. BOX 2055  
HATTIESBURG, MISSISSIPPI 39403-2055

JAMES K. DUKES  
JDukes@JDukesLaw.com

JAMES K. DUKES, JR.  
JDukesJr@JDukesLaw.com

R. CHRISTOPHER WOOD  
CWood@JDukesLaw.com

TERRY MARTIN  
LEGAL ASSISTANT

TELEPHONE  
601-544-4121  
FAX  
601-544-4425

May 23, 2014

Mrs. Lou Ellen Adams  
Forrest County Circuit Court Clerk  
Post Office Drawer 992  
Hattiesburg, MS 39403

Re: Channel Control Merchants, LLC v. ET Enterprises, LLC, ET Enterprises  
Distributors, LLC and John Does 1-10; Our File: 6817.01

Dear Mrs. Adams:

Enclosed please find the following:

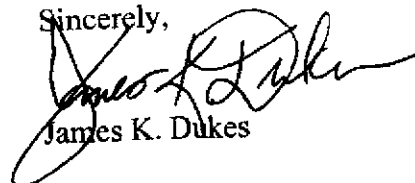
1. Civil Cover Sheet for initial filing in the above referenced matter,
2. *Complaint for Declaratory Judgment* filed on behalf of Channel Control Merchants,
3. Our firm check number 13228 in the amount of \$160.00, which represents payment in full of the fee for filing the Complaint,
4. Three (3) original Summons' to be issued for service to ET Enterprises, LLC, and;
5. Three (3) original Summons' to be issued for service to ET Enterprises Distributors, LLC.

I enclose a copy of the Complaint which I kindly request you stamp "filed" and return to my courier along with the six (6) original Summons'. I also enclose a copy of each Summons for your file.

Should you have questions or need additional information, please feel free to contact me. As always, your professional courtesies are appreciated.

With kind regards, I remain

Sincerely,



James K. Dukes

JKD:sms  
Enclosures

